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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,654

02/08/2006

Eberhard Geissel

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06/26/2008

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
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EXAMINER

HUFTY, JOHN PAGE

ART UNIT

PAPER NUMBER

3747

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,654	GEISSEL, EBERHARD	
	Examiner	Art Unit	
	J.PAGE HUFTY	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/08/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/08/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102 (b) as being anticipated by Staab U.S. Patent 6,152,688.

1. A fuel pump having a driven impeller facing a casing part (**Feature 4 and 7**),
with rings of guide vanes arranged in the impeller concentrically enclosing one another and defining blade chambers, with partially annular fuel feed ducts (**Fig. 1 feature 12 and 14**) facing the rings of guide vanes in the casing part,
and with outlet ducts connected to the partially annular ducts, the rings of the blade chambers and the partially annular ducts forming a radially inner delivery chamber (**Fig. 1 feature 21**)
and a radially outer delivery chamber (**Fig. 1 feature 22**),
characterized in that a radially outer delivery chamber is connected to a radially inner delivery chamber via a connecting duct (**Fig. 3**).

2. The fuel pump as claimed in claim 1, characterized in that the connecting duct is arranged in the casing part and connects partially annular ducts **(fig. 1 and 3, feature 4)** .

3. The fuel pump as claimed in claim 1 or 2, characterized in that the connecting duct takes the form of a groove arranged in the casing part **(fig. 3, feature 4)**.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Burhenne U.S. Patent Application Publication 2004/0211396.

12. A fuel feed system for an internal combustion engine of a motor vehicle having a fuel pump with an impeller for drawing fuel from a fuel tank and delivering the fuel to the internal combustion engine, characterized in that the pump has a radially outer delivery chamber that is connected to the internal combustion engine and a radially inner delivery chamber that is connected to a jet pump arranged inside a fuel tank **(fig. 1 feature 14 and 15, fig. 4 feature 44)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Staab U.S. Patent 6,152,688.

To the extent that Staab does not expressly detail the subject matter set forth in applicant's claims this is considered to be obvious to one of ordinary skill in the art given the teaching of Staab figures 1, 2 and 3.

Applicant's subject matter sets forth known elements found in Staab, serving a known function and yielding no more than one of ordinary skill would expect.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burhenne U.S. Patent Application Publication 2004/0211396.

To the extent that Burhenne does not expressly disclose the control device of applicant's claims this

subject matter is obvious to one of ordinary skill as electronic control of engine fuel pumps is conventionally known and practiced.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J.PAGE HUFTY whose telephone number is (571)272-9966. The examiner can normally be reached on 9:00 am - 5:00pm, Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Page Hufty/
Examiner, Art Unit 3747

/Stephen K. Cronin/
Supervisory Patent Examiner, Art Unit 3747